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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/491,286	01/25/2000	Rose K. Davis	M-8086 US	8352

23640 7590 04/10/2003

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EXAMINER

PWU, JEFFREY C

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/491,286

Applicant(s)

DAVIS ET AL.

Examiner

Jeffrey Pwu

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 1/13/2003 amendment.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16, 18, 19 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16, 18, 19 and 21-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims rejected under 35 U.S.C. 103(a) as being unpatentable over Woolston (US 6,202,051) in view of Miller et al. (US 2002/0029181)

3. Claims 1-14, 16, 18-19, and 21-24 are rejected under 35 U.S.C. 102(a) as being unpatentable

Woolston teaches a method of preparing a description of an item for an online auction, said method comprising:

receiving a unique code (unique identification code; see abstract and claim 1) corresponding to the item at a first computer system;

retrieving one or more characteristics corresponding to the unique code from a data storage area (506; price and sale information); and

transmitting the one or more characteristics to a requestor (508; display price and sale information);

wherein the transmitting includes sending data across the computer network to the second computer system (fig.13 and claim 52);and

displaying the one or more characteristics on a display screen connected to the second computer system; and modifying the one or more characteristics using an input device connected to the second computer system (fig.13).

Woolston further teaches a method of computer based auction system (and used goods consignment store) substantially claimed including:

receiving a unique code (unique identification code; see abstract and claim 1) corresponding to the item at a first computer system;

retrieving one or more characteristics corresponding to the unique code from a data storage area (506; price and sale information); and

transmitting the one or more characteristics to a requestor (508; display price and sale information);

wherein the transmitting includes sending data across the computer network to the second computer system (fig.13 and claim 52);

displaying the one or more characteristics on a display screen connected to the second computer system; and modifying the one or more characteristics using an input device connected to the second computer system (fig.13).

However, Woolston fails to disclose a unique code being manufacturer-supplied code.

Miller has been cited for teaching the use of barcodes and/or manufacturer-supplied codes, for example, barcodes and/or manufacturer-supplied codes are being used to facilitate the tracking of inventory, to identify a product for re-stocking, to look up the price of an item when a consumer purchase it, to monitor the status of a shipment or delivery (e.g., by tracking its location), to enable a person to access information concerning an item of interest to that user (e.g., a consumer good, an article or document), and to specify information that may be provided to a person who scans or reads the code. (see paragraph [0005], [0006], [0007], [0009], and [0047]). Miller further teaches that simply by scanning a bar code associated with an item a user is interested in, he or she is provided with a variety of data concerning the item. Scanned bar codes, or bar code representations, may be stored prior to transmission to the

system in a bar code scanner or a user's computer that is capable of communication with a scanner. The bar codes or representations may be collected during the execution of a set of instructions (e.g., a software or firmware program) operating on the user's computer (e.g., a web browser, utility application, operating system, etc.). And by registering the UPC code with the system, a user can be directed to a network location associated with the manufacturer and/or the specific product. (See paragraph [0046] and [0047])

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention to have used the manufacture-supplied code to facilitate the auction of Woolston as taught in Miller for the for the explicit reasons discussed above so that a merchant/producer may supply certain information or links to be provided to all or a subset of users who scan the unique code.

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jeffrey Pwu whose telephone number is (703) 308-7835.

*Jeffrey Pwu*



*Apr 6, 2003*

**JEFFREY PWU  
PRIMARY EXAMINER**